Testimony of

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Before the

U.S. House of Representatives, Committee on Energy & Commerce,
Subcommittee on Oversight & Investigations

November 13, 2007

Good Morning Mr. Chairman and Members of the Subcommittee. My name is Doug Brinsmade and I am the President and CEO of Anova Food, Inc. The Anova Food Group is a global seafood company specializing in sourcing, processing, and distributing seafood products from worldwide sources. Anova maintains buying offices, plants, and operating partnerships in fifteen different countries within Africa, Asia, and South America. We supply fresh and frozen seafood products to a majority of retailers, foodservice distributors, and restaurant chains across Europe and America. Anova has over 100 employees worldwide and handles approximately 60 million pounds of fish a year.

Mr. Chairman, I am here today to discuss a food preservation technology know as Clearsmoke. Clearsmoke is a patented, filtered wood smoke generation process used for over 8 years to preserve seafood. The goal of Clearsmoke and the Anova Food Group is to continue to provide safe, healthy seafood products to our customers. We deliver frozen-at-source seafood products to the consumer which exhibit ninety percent of the quality characteristics of a fish that's just been caught. Because of the many questions and concerns about the use of carbon monoxide and filtered smoke in seafood, I would like to start off by making the distinction that Clearsmoke is not an additive. Clearsmoke is a smoking process that incorporates only one ingredient to preserve seafood: filtered wood smoke. Filtered

wood smoking is a food preservation process based on the centuries old process of wood smoking, created specifically to extend or preserve the shelf life of fresh and frozen seafood products. A naturally occurring component of all wood smoke is carbon monoxide, and as with all smoked foods, it has an effect of preventing the oxidation of colors in the seafood products we process and freeze.

Filtered wood smoke (as is all wood smoke) is considered GRAS or "Generally Recognized As Safe" by the FDA because of the long standing food safety record of smoked products. Our technology does not use industrial carbon monoxide or commercially mixed carbon monoxide. We only use natural hickory wood chips to create smoke. Hickory is chosen because of its ability to produce a very clean smoke with lower tar output compared to softer woods. The wood chips are burned in a conventional off-the-shelf smoke generator. The resultant smoke is scrubbed and cooled to 80˚F using existing standard smoke industry techniques. The smoke that is generated is first passed through a primary filter which removes all of the particulate components of the smoke, including tar, ash, and soot. This process is done by a purely passive filtration means and does not concentrate or chemically alter the natural composition of the smoke. The smoke is then passed through the secondary filter which reduces, but does not eliminate, the odor and color components of the smoke. The smoke is accumulated in an accumulation chamber and then either pumped directly to the "smoke house" and applied directly to the product or compressed into storage containers for later use. Warm smoke is applied to the product before it is sent into the chiller for "sleep over" at 0˚C to 3˚C. The smoking step is followed by an ozone step for bacterial and smoke odor reduction. Finally, the product is vacuum packed and quick frozen, preventing spoilage and the potential for forming histamine.

The action of the smoke in this process is that of smoke preservation and not of a flavoring or color additive. There are no added chemicals, additives or preservatives of any kind used in the Clearsmoke process. What remains are the natural preservation gasses and standard phenolic compounds that are present in all natural wood smoke. As the wood smoke is applied, naturally occurring carbon monoxide (CO) in the preservation gasses is responsible for the "locking in" of the existing color of the product, which is maintained through the freezing process.

The Clearsmoke process is similar to grilling a steak at home. If you barbeque on the grill with wood, the smoke contains, among many things, carbon monoxide. The Clearsmoke process does not increase or adulterate the color or quality of the product in any way; it simply retains the existing quality and color of the product at the time of processing and subsequent freezing.

Since the development of the Clearsmoke technology preservation process, Anova Food Group has provided over 150 million portions using this technique without a single report of a food safety incident. Our Clearsmoke products are sold in some of the largest restaurant and supermarket retail accounts in the USA. One of the most important points of the process is that it allows us to deliver a frozen seafood item that is very close in quality to fresh seafood items at a fraction of the cost and with impeccable food safety. We have avoided the rigors and high risks associated with global fresh seafood transportation.

As an example of the success of the utilization of Clearsmoke products by supermarket accounts, in 2004 a major supermarket, using Clearsmoke frozen tuna, planned a tuna advertisement for a summer weekend. The commercial benefits were as follows:

1. They were able to plan the ad 3 months in advance with a guaranteed price since the product was frozen.
2. The product was stocked in the stores a week prior to the sales, with backup in the local warehouse.
3. An advertisement for $5.99 per pound was placed in the local newspaper. The ad stated “Clearsmoked Tuna Loins” and the words “previously frozen.”
4. Over 40,000 lbs of tuna was sold in 5 days and a further order of 8,000 lbs was given for the next week.
5. There were zero complaints, zero returns, and two calls from consumers asking what “Clearsmoke” was.
6. This ad was considered extremely successful by the supermarket and there were over 100,000 happy customers.

In 1999, the FDA issued an “Import Bulletin” No.16B-95 to explain its policy concerning the appropriate legal status of filtered smoke and carbon monoxide to its inspectors. The bulletin indicates that when fish are treated with either compound, the fish can no longer be labeled as “fresh.” The use of carbon monoxide or filtered smoke is allowed to be used to preserve the color of fresh fish, but not allowed to make bad fish look good. Therefore, all imported filtered wood smoke products and carbon monoxide processed products must be labeled since filtered wood smoke and carbon monoxide are considered by the FDA to be ingredients. In addition, it states that the labeling must disclose the presence of tasteless smoke or carbon monoxide as an ingredient of the fish on the package label along with a description of its technical function.

Anova Food labels all of our products and we've done so since the very beginning. We've not missed one label since 1999, when FDA issued the import bulletin. Our label reads, "Ingredients: Tuna processed with filtered wood smoke as a preservative for color retention." Since our products are vacuum packaged, the labels must also state "Remove from Vacuum Packaging before Defrosting" and includes other handling instructions. Our consumers understand our clearly labeled products, but because FDA is concerned that the use of filtered smoke or carbon monoxide could mask the visual signs of decomposition, new laws are being introduced to protect against this. The law states that "a food shall be deemed to be adulterated if damage or inferiority has been concealed in any manner." In addition, it states that "a food shall be deemed to be adulterated if any substance has been added thereto or packed therewith so as to make it appear better or of greater value than it is."

We oppose the use of carbon monoxide to mask any decomposition in fish. The use of carbon monoxide can be an effective means to provide the consumer with a safe product, but we agree that it must be labeled properly. We also strongly oppose any company that uses carbon monoxide to retain color, freeze the product, unfreeze the product and then claim that it's fresh. We believe if a product has been frozen, then thawed, it must be labeled as "previously frozen."

Clearsmoke technology is 100% safe and has been fully tested at the University of Florida. The process is FDA and USDC approved. Anova Food has embraced the inspection of all of its processing plants by the United States Department of Commerce NOAA Fisheries Inspection Program since 1999. The USDC sends competent inspectors to each of our processing plants around the world, twice per year, to verify the use of Good Manufacturing Processes, HACCP and general food safety. Over the last five years the USDC has built an

extensive database on fish 'color' in order to specifically verify that no color adulteration is taking place under FD&C section 401(b&c). These inspectors do an excellent job for us as well as protecting the US consumer.

The Clearsmoke method of preserving seafood continues to be a safe and innovative way to provide fish to millions of Americans at a time when the federal government is encouraging us to consume seafood at least twice a week for its many health benefits. We continue to work towards making heart-healthy seafood products more readily available. Because of the global nature of our industry, the seafood community places exceptional emphasis on the safety of the international seafood supply. Our seafood products are some of the safest items on restaurant menus and grocery store shelves today. There have been no reported illnesses of Clearsmoke imported seafood because we take pride in what we do to ensure that our products have been properly handled, stored and prepared.

Thank you Chairman Stupak. I appreciate the opportunity to testify today. I look forward to answering any questions you may have.